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Title of Document Transmitted:	**SUPPLEMENTAL REPLY BRIEF OF APPELLANTS**
Applicant:	Alexander Thoemmes et al.
Serial No.:	09/256,896
Filed:	February 24, 1999
Group Art Unit:	2672
Title:	ACQUIRING AND UNACQUIRING ALIGNMENT AND EXTENSION POINTS
Our Ref. No.:	G&C 30566.60-US-01

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Alexander Thoemmes et al.	Examiner:	Ryan R. Yang
Serial No.:	09/256,896	Group Art Unit:	2672
Filed:	February 24, 1999	Docket:	G&C 30566.60-US-01
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By: Jason S. Feldmar
Name: Jason S. Feldmar

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

We are transmitting herewith the attached:

☒ Transmittal sheet, in duplicate, containing a Certificate of Mailing or Transmission under 37 CFR 1.8.

☒ Supplemental Reply Brief of Appellants.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

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Due Date: February 2, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	
Inventor: Alexander Thoemmes et al.	Examiner: Yang, Ryan R.
Serial #: 09/256,896	Group Art Unit: 2672
Filed: February 24, 1999	Appeal No.: _____
Title: ACQUIRING AND UNACQUIRING ALIGNMENT AND EXTENSION POINTS	

SUPPLEMENTAL REPLY BRIEF OF APPELLANTS

Board of Patent Appeals and Interferences
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 41.41, Appellants hereby submit their Supplemental Reply Brief in response to the Supplemental Examiner's Answer mailed on December 2, 2004.

No fee is required for filing this Supplemental Reply Brief. However, the Office is authorized to charge any necessary fees or credit any overpayments to Deposit Account No. 50-0494 of Gates & Cooper LLP.

I. ARGUMENTS

A. The Supplemental Examiner's Answer is Improper

Appellants submitted an Appeal Brief on June 17, 2003. In response, an Examiner's Answer was mailed to Appellants on October 21, 2003. Under 37 C.F.R. §1.193(b), Appellants submitted a Reply Brief on December 22, 2003. On March 23, 2004, the Patent Office mailed a "Response to Reply Brief". On May 21, 2004, Appellants submitted a "Supplemental Reply Brief of Appellants"

which objected to the "Response to Reply Brief". On July 13, 2004, the Board of Patent Appeals and Interferences issued an "Order Returning Undocketed Appeal to Examiner".

The Order from the Board stated that the Examiner's prior response was improper. In addition, the Board was explicit and provided the following three options to the Patent Office:

> 1) vacate the Response to the Reply Brief mailed March 14, 2004 (Paper No. 13);
> 2) either reopen prosecution or mail a proper response to the Reply Brief filed Dec. 22, 2003 (Paper No. 12);
> 3) notify the applicant, in writing, of which option the Examiner has chosen above;
> 4) properly consider the supplemental Reply Brief filed May 27, 2004 (Paper No. 14); and
> 5) for such further action as appropriate.

Rather than comply with the Board's explicit order, the Patent Office elected to vacate the Response to the Reply Brief mailed March 14, 2004 (i.e., (1) above) and mail a "Supplemental Examiner's Answer" on December 2, 2004. Such a Supplemental Examiner's Answer did not "reopen prosecution or mail a proper response". Further, such a mailing did not notify Appellants which of the options the Examiner has chosen.

In view of the above, Appellants respectfully request that the newly mailed "Supplemental Examiner's Answer" is improper and should not be considered.

In view of the impropriety of the Supplemental Answer, the Patent Office may submit that under the new Appeal Rules 37 CFR §41.43, the Supplemental Answer is permissible. Appellants again note that the Supplemental Answer is directly contrary to the Order from the Board. In addition, Appellants note that under 37 CFR §41.43, a Supplemental Answer is only permissible to respond to any new issue raised in the Reply Brief (see 37 CFR §41.43(a)(1). No new issues were raised in the Reply Brief or Supplemental Reply Brief. In addition, even if the Reply Brief or Supplemental Reply Brief is deemed to raise a new issue, the Supplemental Answer may only be provided with approval of the Technology Center Director or designee (see "Clarification of the Effective Date Provision in the Rules of Practice before the Board of Patent Appeals and Interferences (Final Rule)", OG Notice Signed 10 September 2004, Question 9). No such approval by a director or designee was provided in the present matter. Accordingly, the Supplemental Answer is not only improper in view of the Board Order, but is improper based on the new rules.

Nonetheless, despite the improper supplemental response, Appellants address the Supplemental Answer herein. Appellants also note that the new Supplemental Answer repeated

verbatim the arguments from the prior Supplemental Answer while adding some language to address Appellants prior Supplemental Reply Brief.

B. The Brief Contained a Statement Identifying the Related Appeals and Interferences

Item (2) of the Supplemental Answer asserted that the brief did not contain a statement identifying the related appeals and interferences. Appellants respectfully disagree. Page 1 of the original Appeal Brief clearly contained such a statement.

Appellants note that the original Examiner's Answer also asserted the lack of the statement. Further, Appellants indicated the existence of such a statement on page 1 and 2 of the prior Reply Brief. Such a repeated assertion should be withdrawn.

C. Claims 36 and 38 Are Patentable Over the Cited References

In response to the Supplemental Reply Brief, the Examiner's Supplemental Answer, page 18-19 provides:

> In the Reply Brief filed 3/14/2004, appellant alleges Venolia fails to teach "after a command is received to move a cursor near the data point". In reply, Examiner consider the statement "the user drags a vertex of a display towards the vertex of another object displayed in a scene" (column 12, line 6-8) as a movement of a cursor, the dragged vertex is the cursor position (column 12, line 14), since the distance of "near" cannot be quantified, Examiner consider movement around the distance of magnetic attraction is pretty near.
>
> As for alleged only one vertex is under the control of the cursor, Examiner consider a polygon has a plurality of vertices. If one vertex is dragged, the other vertices have to be dragged along, or the polygon will be deformed, therefore, when one vertex of a polygon is acquired, a plurality of vertices, as well as the polygon is considered acquired.
>
> Appellant alleges Venolia fails to disclose acquisition of the data point after a cursor moves near the data point. In reply, Examiner considers the magnetic attraction process qualify as an acquiring process when the cursor moves near the data point (see column 12, lines 6-30).
>
> Appellant also alleges Venolia does not disclose acquisition of a data point only with a modifier command. Examiner considers the teaching "keyboard command or menu selections for creating and breaking such multiple object alignments" satisfy the limitation.
>
> In the Reply Brief filed 5/27/2004, appellants alleges that Venolia teaches a vertex is dragged, but does not teach when or how a vertex is acquired. In reply, Examiner considers a vertex of a displayed object is dragged toward the vertex of another object based on the model of magnetic attraction (column 12, line 7-9). The magnetic attraction determines a region where an object is influenced or not. This influenced region is considered a nearby the data point. Since the claim limitation does not specify what kind of acquisition is done to the data point, Examiner considers the alignment process as an acquiring process – "When point A moves within a certain distance I, of point B, point C is automatically drawn by the present invention into alignment with point B (column 2, line 28-30). Even though appellant does not agree than an alignment process is an acquiring process, the claim limitation does not prevent Examiner from making such interpretation.

Appellants respectfully disagree with and traverse the above assertions.

Appellants first note that no Reply Brief was filed on 3/14/2004 nor on 5/27/2004. The original Reply Brief was filed on 12/22/2003 and the Supplemental Reply Brief was filed on 5/21/2004. Accordingly, it is unclear which Brief, the Examiner is referring to. Since the Board directed the Patent Office to consider the Supplemental Reply Brief filed 5/21/2004, Appellants assume that the Supplemental Reply Brief is being addressed.

With respect to the first paragraph quoted above, the Examiner again recites the text in column 12 of Venolia as support in that the dragged vertex is the cursor position. In this regard, the Examiner is asserting that the "acquired" point is the point that the vertex is being dragged towards. As stated in the prior Supplemental Reply Brief, the distance of magnetic attraction and the point that Venolia's vertex is being dragged towards is not acquired. Instead, the point at the center of the area of magnetic attraction has a region of influence and the cursor position is influenced by the second point's region of influence.

The claims provide two distinct steps: (1) "accepting a modifier command;" and (2) "acquiring the data point of interest on a drawing object in a computer-implemented drawing program after a command is received to move a cursor near the data point..." Accordingly, the point that is being acquired is not the cursor but the point the cursor is being moved towards. The Supplemental Answer asserts that the dragged vertex is the cursor position and the movement around the distance of magnetic attraction is pretty near. Accordingly, the point within the area of magnetic attraction has to be the point that is acquired in the claims. However, such an "acquiring" is completely lacking from Venolia. Instead, Venolia's point within the area of magnetic attraction is merely used to influence the vertex being dragged.

The Supplemental Answer then refers to a polygon with a plurality of vertices and states that if one vertex is dragged, other vertices have to be dragged along or the polygon will be deformed and therefore, when one vertex if a polygon is acquired, a plurality of vertices, as well as the polygon is considered acquired. Again, the Supplemental Answer is misapplying Venolia's terms to the terminology used in the claims. Venolia's magnetic area of attraction is not about the vertices within the polygon. Instead, one object is dragged towards a second object in Venolia. The second object has an area of magnetic attraction but a vertex within that second object is not acquired (see col. 12,

lines 5-60). Instead, as depicted in FIG. 3, the area of magnetic attraction merely influences the first object. In this regard, no vertices are ever acquired.

The Supplemental Answer then asserts that the Examiner considers the magnetic attraction process qualify as an acquiring process when the cursor moves near the data point. The American Heritage Dictionary (see http://dictionary.reference.com/search?q=acquire) defines "acquire" as "To gain possession of: *acquire 100 shares of stock.*"

Appellants assert that under the dictionary definition or as the term is used in the present specification, Venolia's magnetic attraction process fails to qualify or even remotely allude to acquiring a data point as claimed. In this regard, Venolia's magnetic attraction fails to gain possession of any point. Instead, the point within Venolia's area of mangetic attraction merely influences the vertex being dragged.

The Supplemental Answer continues and provides that Venolia's alignment process qualifies as acquiring as used in the claims. Again, neither the dictionary definitions nor the terminology used in the present specification support the Examiner's interpretation. In this regard, Appellants respectfully disagree with the assertion that "the claim limitation does not prevent Examiner from making such interpretation". The claims must be interpreted using their commonly understood meanings or as defined in the specification. The Examiner is creating a new meaning contrary to both and relying on such a meaning for interpreting the claims. Such an interpretation is without merit.

The second aspect of these claims relates to the use of the modifier command. The Examiner asserts that "keyboard commands or menu selections for creating and breaking such multiple object alignments" satisfy this limitation. Appellants respectfully disagree. Again, the claims provide that "the data point is not acquired without the modifier command." In this regard, the claims do not provide for aligning objects with a modifier command. Instead, the claims provide for acquiring a data point with the modifier command. Further, based on the explicit claim language, if the modifier command is not used, then the data point is not acquired. Nowhere in Venolia is there any suggestion, implicit or explicit, that without using the keyboard commands, the objects cannot be aligned. Further, the alignment process does not describe the acquiring of a point.

Appellants again reassert the arguments set forth in the prior Supplemental Appeal Brief. As previously stated, Appellants agree that when aligning an object in Venolia, a keyboard or menu command may be used to make or break an alignment (see col. 22, lines 9-11). However, the use of a keyboard command when two objects are close to each other so that the objects are aligned (or to break up such an alignment) is not even remotely similar to acquiring a data point. If we assume the Answer's suggestion is true, then prior to the alignment process, a data point is acquired. Accordingly, the first step would be to acquire a data point followed by the actual alignment process. During the alignment process, in accordance with Venolia, when the objects are moved together, a keyboard command may be used to align the already selected/acquired objects. There is no suggestion, that the object itself (or a point of the object) is only acquired after a modifier command has been selected. Instead, Venolia merely teaches using a keyboard command in the actual alignment process of the objects (i.e., after objects have been selected and are moved towards each other with the desire to align the objects) and NOT as part of the object or vertex selection/acquisition process. Further, breaking up an object alignment has nothing at all to do with not acquiring a data point without a modifier command.

The claims provide with particularity how and when a data point is acquired. In this regard, the claims provide that the data point is only acquired (a) after a cursor is moved near by and (b) only when a modifier command is present. Such a teaching is completely lacking from Venolia as set forth in the Appeal Brief, Reply Brief, the prior Supplemental Reply Brief, and this Supplemental Reply Brief.

Thus Appellants assert that Venolia fails to teach various claimed elements including the (1) acquisition of a data point of interest; (2) acquisition of the data point after a cursor moves near the data point; and (3) acquisition of a data point only with a modifier command.

D. Independent Claims 1, 13, 24, and 35 Are Patentable Over the Cited References

In response to the prior arguments with respect to these claims, the Supplemental Answer responds stating:

> In the Reply Brief filed 3/14/2004, appellant alleges the acquisition pause time is not based on processor speed, however, this is not part of claim limitation. As for the field of endeavor, since both Venolia and Kimble's applications apply to acquiring a cursor, they are analagous art.

> In the Reply Brief filed 5/27/2004, appellant alleges Examiner attempts to read into the "acquisition pause time", language that is inconsistent with the independent claims. In reply, Examiner considers the claim limitation of an independent claim is not limited by its dependent claims.
>
> In response to applicant's argument that the references fail to show "acquisition pause time", Examiner considers the time between the first attempting to actual acquiring as acquisition pause time. Such interpretation is not prevented by the claim limitation.

Appellants respectfully disagree with and traverse the above assertions.

First, as stated above, no briefs were filed on 3/14/2004 or 5/27/2004. Instead, a brief was filed on 5/21/2004. Accordingly, Appellants respond to the Supplemental Answer assuming that the above notations address the Supplemental Reply Brief filed on 5/21/2004.

Secondly, the arguments in the Supplemental Answer fail to address the explicit claim limitations. As previously stated, the Supplemental Answer indicates that Appellant alleges that the acquisition pause time is not based on processor speed but that such a limitation is not part of the claim.

In this regard, Appellants submit that the claims recite and use the language "acquisition pause time". Firstly, the Examiner is attempting to define the term "acquisition pause time" in a manner completely different from that set forth in the specification. Appellants note that Applicants are entitled to be their own lexicographer. Further, the words and the meaning of those words (whether defined in the specification or taken as a plain meaning) cannot merely be ignored. Page 13, lines 9-22 of the present specification clearly describe the acquisition pause time of the invention:

> FIG. 2F is a flow chart illustrating the operations performed to determine if the cursor 304 has moved to and remained near the data point 303 for an acquisition pause time. First, block 250 determines if the cursor 304 is within the acquisition distance of a point of interest. If so, an acquisition timer is started, as shown in block 252. The acquisition timer is incremented and a check is made to determine if the cursor is still within the acquisition distance of the point of interest. This is depicted in blocks 254 and 256. If the cursor is not within the acquisition distance of the point of interest (it has moved), logic returns to block 250. If the cursor remains within the acquisition distance of the point of interest, a check is made to determine if the incremented acquisition timer has reached the acquisition pause time, as shown in block 258. If the acquisition timer has not reached the acquisition pause time, logic returns to block 254. If the acquisition timer has reached the acquisition pause time, the cursor 304 has entered and remained within the acquisition distance of the data point of interest, and the logic is completed.

As set forth herein the acquisition pause time may be determined with respect to a timer. In this regard, a specific amount of time that may be set by a user is not similar or described by a processor time for processing an action.

In addition, the Supplemental Answer is attempting to assert a definition for the claim language that is completely inconsistent with the dependent claims and the term as it is set forth in the specification. For example, using the definition that the Examiner asserts, some of the dependent claims would have no meaning and could not be interpreted in any manner consistently. As an example, dependent claim 2 specifies that the pause time is user-selectable. The only way the processor speed is user selectable is if the user selects to buy a processor of a certain speed. Such an assertion is well beyond the scope of the present invention and not even remotely suggested by the present specification.

Further, the claims provide that the cursor remains near a data point for an acquisition pause time. And only after the acquisition pause time has passed is the data point acquired. No such dependency on leaving a cursor near a data point for a set period of time is set forth in either Venolia or Kimble.

Also, the term acquisition pause time inherently teaches away from a processor time as asserted by the Examiner. In this regard, the adjective "pause" is placed before the word "time". Nowhere in Kimble or Venolia is there any indication that processor time is equivalent to a pause time. Nor does Kimble or Venolia dsescribe a processor that can be paused. Further, the adjective "acquisition" is also used in the present claims. In this regard, the "time" is specifically modified and refers to an "acquisition time" – a time for acquiring. A processor time is not equivalent not similar to a time for acquiring. The mere use of this sequence of words in the claims clearly sets forth significant differences from a processor time as asserted by the Examiner.

Additionally, the Examiner cannot merely ignore these words when evaluating the claims. Under MPEP §2142 and 2143.03 "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)." In this regard, the Examiner cannot ignore the words "acquisition" or "pause" when evaluating the claims.

However, it appears that the Examiner has merely disregarded these words and any meaning contained by these words in all of the asserted rejections.

The Supplemental Answer further asserts that the Examiner considers the time between the first attempting to actual acquiring as acquisition pause time which is not prevented by the claim limitation. Appellants are unaware of what the "first attempting" is. There is no such citation to "first attempting" in either the original Answer, the first Supplemental Answer, or the presently pending Supplemental Answer. Further, an electronic search of the term "attempt" in Kimble provides no results.

Again, the claims provide for an "acquisition pause time". Thus, the time is paused for a specified time referred (i.e., an acquisition pause time). A processor does not pause operations. Instead, the processor is always executing. Further, a processor does not pause for a specified or specific time such as an acquisition pause time. In this regard, the Examiner is attempting to read multiple properties into standard processors in order to read on the present claims. However, such multiple properties are not taught in the cited prior art and are not known to one of ordinary skill in the art. There is no support, implicit or explicit, that "a first attempting to actual acquiring" is an acquisition pause time as set forth in the claims (and supported in the specification).

In view of the above, Appellants respectfully request reversal of the rejections of these claims.

E. Dependent Claims 2, 14, and 25 Are Patentable Over the Cited References

These claims provide that the acquisition pause time is user-selectable. The Supplemental Answer asserted that an independent claim could not be limited by its dependent claims. Appellants agree that an independent claim cannot be limited by its dependent claim. However, based on the interpretation of the independent claims asserted by the Parent Office, these dependent claims would be illogical and could not be construed consistently.

Appellants submit that the terminology used in these claims would render the prior arguments submitted with respect to the independent claims invalid. In this regard, Appellants submit that the independent claims recite and use the language "acquisition pause time". In rejecting the independent claims, the Examiner asserts that "the time it takes for the apparatus to

execute a process after a command is issued" is equivalent and renders the claim terms "acquisition pause time" inherent. In other words, the Examiner asserts that "processor time" is equivalent to "acquisition pause time". Such a suggestion is wholly without merit. Further, using such a foundation for these dependent claims (which provide the pause time is user-selectable), the only way the processor speed is user selectable is if the user selects to buy a processor of a certain speed. Such an assertion is well beyond the scope of the present invention and not even remotely suggested by the present specification. Accordingly, the terminology of these claims renders the prior arguments with respect to the independent claims invalid. Further, these dependent claims should be allowable in view of this inconsistency.

F. Dependent Claims 7, 19, and 30 Are Patentable Over the Cited References

In the Supplemental Examiner's Answer, the Patent Office merely reasserts the prior rejections and restates the rejection. Namely stating that the "Examiner considers it obvious that acquisition distance is magnified along with magnification of object". Appellants again reassert the prior arguments. Namely, these claims specify that the acquisition distance is based on a magnification of a view of the object and an object type. No such "objects" as recited in these claims are even remotely alluded to by the Examiner or in the prior art cited.

G. Dependent Claims 8, 20, and 31 Are Patentable Over the Cited References

In response to the prior arguments, the Supplemental Answer merely repeats the prior arguments and further states "Examiner asserts that when the cursor object is snapped to the center of icon, the icon is annotated."

As previously stated, these claims provide the step of annotating an acquired data point with an acquisition indicator. Snapping an object to a center of an icon does not annotate in any manner, implicitly or explicitly, the icon. Kimble's icon is not changed, modified, commented upon, explained, etc. The plain meaning of the term "annotation" is not even remotely alluded to by Kimble or the Supplemental Answer. Accordingly, Appellants respectfully request reversal of the rejections.

H. Dependent Claims 9, 10, 21, 22, 32, and 33 Are Patentable Over the Cited References

In response to previously submitted arguments, the Supplemental Answer merely repeats the prior rejections and conclusively states "In reply, Examiner considers demagnetizing is an un-acquiring process."

Appellants respectfully traverse this assertion. The claims do not merely provide for un-acquiring. Instead, the claims set forth specific details by which a data point is un-acquired.

As stated previously, the demagnetization of Kimble fails to teach the multiple steps required by the claim limitations that set forth the unacquiring process.

As described in the Appeal Brief, the Reply Brief, and the prior Supplemental Reply Brief, the demagnetization is merely how long an object will remain demagnetized and does not provide for moving a cursor into an area and timing how long the cursor remains there in order to determine if a data point should be unacquired. After a point has been acquired, the user moves the cursor away, then moves it back, then waits near the cursor to unacquire the point. Kimble merely provides that the cursor can snap to a different neighboring pixel if the cursor is not moved for a specified time interval. Such a teaching does not teach the specific series of unacquiring steps recited in claims 10, 22, and 33. Further, the Examiner's Answer, prior Supplemental Answer, and pending Supplemental Answer fail to dispute this lack of teaching in the cited references.

I. Dependent Claim 11 Is Patentable Over the Cited References

This claim provides that an acquisition pause time is different from the unacquisition pause time. Appellants note that the Supplemental Answer merely repeats the prior arguments and in response to the prior Supplemental Reply Brief, the Supplemental Answer merely conclusively states "In reply, Examiner considers it inherent to distinguish acquiring time from un-acquiring time for them not be confused."

In response, Appellants reassert the prior arguments set forth in the Supplemental Reply Brief. Appellants note that in the Supplemental Answer, the Examiner equates the acquisition pause time with processor time. Accordingly, the time it takes for a processor to perform certain actions is not under the control of the user. Further, neither Kimble nor Venolia have the capability to

determine (nor do they describe) a processor that takes different time to perform an acquisition pause time or an unacquisition pause time. In fact, based on the Examiner's interpretation, Appellants assert that such processor times would be the same. Such a result is contrary to that claimed.

Further, to establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." *Continental Can Co.*, 948 F.2d at 1268. Appellants have consistently challenged the Examiner's assertion of inherency and obviousness and the lack of such a teaching in the cited references. In response, both the Examiner's Answer, Examiner's prior Supplemental Answer, and the present Supplemental Answer fail to provide or even allege that the difference in the two times is present in either Kimble or Venolia and that such times would be recognized by persons of ordinary skill. Accordingly, the Examiner has failed to meet his burden with respect to establishing inherency.

Instead, it appears that the Examiner is asserting that the different terms "acquisition pause time" and "unacquisition pause time" are solely terms used in the claims so that the reader is not confused. However, claim 11 provides that the unacquisition pause time is a different value than the acquisition pause time. Thus, the claim language is used not just for the reader of the claims, but actually specifies and provides a functional limitation/difference. In this regard, Appellants do not understand who would be confused or what the confusion would be between the two times (as asserted in the Supplemental Answer). Additionally, Appellants do not understand why there would be any confusion if the times were the same. Accordingly, the Examiner's argument is illogical and conclusory.

II. CONCLUSION

In light of the above arguments, Appellants respectfully submit that the cited references do not anticipate nor render obvious the claimed invention. More specifically, Appellants' claims recite novel physical features which patentably distinguish over any and all references under 35 U.S.C. §§ 102 and 103. As a result, a decision by the Board of Patent Appeals and Interferences reversing the Examiner and directing allowance of the pending claims in the subject application is respectfully solicited.

Respectfully submitted,

GATES & COOPER LLP
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APPENDIX

1. A method of acquiring a data point of interest on a drawing object, comprising the steps of:

accepting a command to move a cursor near the data point of interest on the drawing object in a computer-implemented drawing program; and

acquiring the data point after the cursor remains near the data point for an acquisition pause time.

2. The method of claim 1, wherein the pause time is user-selectable.

3. The method of claim 1, wherein the object is a linear entity.

4. The method of claim 3, further comprising the step of accepting a command to move the cursor away from the data point to extend the linear entity.

5. The method of claim 1, wherein the data point is selected from a group comprising:

an endpoint;

a midpoint;

a node;

a closest quadrant point;

an insertion point;

a point on a line tangent to the object; and

a point on a line that forms a normal from the object.

6. The method of claim 1, wherein the step of acquiring the data point after the cursor remains near the data point for an acquisition pause time comprises the step of acquiring the data point after the cursor remains within an acquisition distance of the data point for an acquisition pause time.

7. The method of claim 6, wherein the acquisition distance is determined according to a parameter selected from a group comprising

magnification of a view of the object; and

an object type.

8. The method of claim 1, further comprising the step of annotating the acquired data point with an acquisition indicator.

9. The method of claim 1, further comprising the step of unacquiring the data point after the cursor remains near the acquired data point for an unacquisition pause time.

10. The method of claim 1, further comprising the steps of:

accepting a command to move the cursor away from near the data point;

accepting a command to move the cursor near the data point; and

unacquiring the data point after the cursor remains near the data point for the unacquisition pause time.

11. The method of claim 10, wherein the unacquisition pause time is a different value than the acquisition pause time.

12. The method of claim 1, further comprising the steps of:

accepting a command to move the cursor near a second data point on a second object;

acquiring the second data point after the cursor remains near the second data point for the acquisition pause time; and

aligning the first object and the second object according to the acquired first data point and the acquired second data point.

13. An apparatus for acquiring a data point of interest on a drawing object, comprising:

means for accepting a command to move a cursor near the data point of the drawing object in a computer-implemented drawing program; and

means for acquiring the data point after the cursor remains near the data point for an acquisition pause time.

14. The apparatus of claim 13, wherein the pause time is user-selectable.

15. The apparatus of claim 13, wherein the object is a linear entity.

16. The apparatus of claim 15, further comprising means for accepting a command to move the cursor away from the data point to extend the linear entity.

17. The apparatus of claim 13, wherein the data point is selected from the group comprising:

an endpoint;

a midpoint;

a node;

a closest quadrant point;

an insertion point;

a point on a line tangent to the object; and

a point on a line that forms a normal from the object.

18. The apparatus of claim 13, wherein the means for acquiring the data point after the cursor remains near the data point for an acquisition pause time comprises the step of acquiring the data point after the cursor remains within an acquisition distance of the data point for an acquisition pause time.

19. The apparatus of claim 18, wherein the acquisition distance is determined according to a parameter selected from a group comprising:

magnification of a view of the object; and

an object type.

20. The apparatus of claim 13, further comprising means for annotating the acquired data point with an acquisition indicator.

21. The apparatus of claim 13, further comprising means for unacquiring the data point after the cursor remains near the acquired data point for an unacquisition pause time.

22. The apparatus of claim 13, further comprising:

means for accepting a command to move the cursor away from near the data point;

means for accepting a command to move the cursor near the data point; and

means for unacquiring the data point after the cursor remains near the data point for the unacquisition pause time.

23. The apparatus of claim 13, further comprising:

means for accepting a command to move the cursor near a second data point on a second object;

means for acquiring the second data point after the cursor remains near the second data point for the acquisition pause time; and

means for aligning the first object and the second object according to the acquired first data point and the acquired second data point.

24. A program storage device, readable by a computer, tangibly embodying at least one program of instructions executable by the computer in a drawing program to perform method steps of acquiring a data point of interest on a drawing object, the method comprising the steps of:

accepting a command to move a cursor near the data point of interest on the drawing object; and

acquiring the data point after the cursor remains near the data point for an acquisition pause time.

25. The program storage device of claim 24, wherein the pause time is user-selectable.

26. The program storage device of claim 24, wherein the object is a linear entity.

27. The program storage device of claim 26, wherein the method steps further comprise the step of accepting a command to move the cursor away from the data point to extend the linear entity.

28. The program storage device of claim 24, wherein the data point is selected from the group comprising:

an endpoint;

a midpoint;

a node;

a closest quadrant point;

an insertion point;

a point on a line tangent to the object; and

a point on a line that forms a normal from the object.

29. The program storage device of claim 24, wherein the method step of acquiring the data point after the cursor remains near the data point for an acquisition pause time comprises the step of acquiring the data point after the cursor remains within an acquisition distance of the data point for an acquisition pause time.

30. The program storage device of claim 29, wherein the acquisition distance is determined according to a parameter selected from a group comprising:

magnification of a view of the object; and

an object type.

31. The program storage device of claim 24, wherein the method steps further comprise the method step of annotating the acquired data point with an acquisition indicator.

32. The program storage device of claim 24, wherein the method steps further comprise the step of unacquiring the data point after the cursor remains near the acquired data point for an unacquisition pause time.

33. The program storage device of claim 24, wherein the method steps further comprise the steps of:

accepting a command to move the cursor away from near the data point;

accepting a command to move the cursor near the data point; and

unacquiring the dam point after the cursor remains near the data point for the unacquisition pause time.

34. The program storage device of claim 24, wherein the method steps further comprise the steps of:

accepting a command to move the cursor near a second data point on a second object;

acquiring the second data point after the cursor remains near the second data point for the acquisition pause time; and

aligning the first object and the second object according to the acquired first data point and the acquired second data point.

35. A method of unacquiring an acquired data point, comprising the steps of:

accepting a command to move a cursor near the acquired data point of a drawing object in a computer-implemented drawing program; and

unacquiring the data point after the cursor remains near the acquired data point for an unacquisition pause time.

36. A method of acquiring a data point of interest on a drawing object, comprising the steps of:

accepting a modifier command; and

acquiring the data point of interest on a drawing object in a computer-implemented drawing program after a command is received to move a cursor near the data point, wherein the data point is not acquired without the modifier command.

37. The method of claim 36, wherein the data point is acquired after the cursor remains near the data point for an acquisition pause time.

38. The method of claim 36 wherein the modifier command comprises the depression of a keyboard key.